



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: WWW.DPR.DELAWARE.GOV

DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	BOARD OF DENTISTRY & DENTAL HYGIENE
DATE AND TIME:	Friday, May 11, 2012 at 10:00 a.m.
PLACE:	University of DE, Virden Center, Schooner Room 700 Pilottown Road, Lewes, DE
APPROVED:	May 31, 2012

MEMBERS PRESENT

Blair Jones, DMD, Professional Member, President
John Lenz, DDS, Professional Member, Secretary
Neil McAneny, DDS, Professional Member
Robert Director, DDS, Professional Member
Joan Madden, RDH, Professional Hygiene Member
Nathaniel Gibbs, Public Member (entered at 10:14 a.m.)
Cheryl Calicott-Trawick, Public Member
Buffy Parker, RDH, Hygiene Advisory Member

MEMBERS ABSENT

Thomas Cox, DDS, Professional Member
Debra Bruhl, RDH, Hygiene Advisory Member
Bernadette Evans, Public Member
Bonnie Thomas, RDH, Hygiene Advisory Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Allison Reardon, Deputy Attorney General
Michele Howard, Administrative Specialist II

PUBLIC PRESENT

Dr. Jeffrey Emmi, President of Delaware AGD

CALL TO ORDER

Dr. Jones called the meeting to order at 10:04 a.m.

REVIEW AND APPROVAL OF MINUTES

The Board reviewed the minutes of the March 22, 2012 Board meeting. Dr. McAneny made a motion, seconded by Dr. Director, to approve the minutes of the Board meeting as presented. The motion passed unanimously.

UNFINISHED BUSINESS

Joint Sunset Committee

JSC to Propose Legislation to Allow Hygienists to Take One of Five Regional Clinical Exams in Lieu of Delaware Clinical Exam

JSC Approved Board's Proposed Legislation to Allow Dentist and Dental Hygienist Candidates to Test up to 60 Days Prior to Graduation

Board Released from Joint Sunset Review 5/3/12 Without Reporting Requirements

Dr. Jones reported that the Joint Sunset Committee agreed to sponsor two bills as a result of the public hearing held on May 3, 2012. One bill will allow hygienists to take one of five regional clinical exams in lieu of the Delaware clinical exam. The other bill will allow dentist and dental hygienist candidates to test up to 60 days prior to graduation. Dr. Jones also reported that the Board was released from Joint Sunset review without reporting requirements. Ms. Reardon commented that Senator Lawson had suggested an addendum that dentists and hygienists continue to work together. Ms. Reardon stated that the draft bill proposing exams 60 days prior to graduation had been given to the House attorney who slightly reworded the synopsis and changed some sentence structure. The Board reviewed the draft bill, which Ms. Reardon noted was not the final version.

Rules & Regulations

Proof of Active Practice – Review Draft from Ms. Reardon

Practice Requirements for Dentists & Hygienists – Review Draft from Ms. Reardon

Ms. Reardon distributed a draft of statutory changes for the Board's review, and summarized the changes for the Board. Ms. Reardon advised that the statutory changes will not be made during this legislative session. She added that until the statutory changes are made, dentists may still qualify for licensure with three years of active practice as the Rules and Regulations cannot be changed to reflect three of the past five years until after the statute has changed.

Amend Rule 6

Ms. Reardon distributed a draft of amendments to Rules 6.7.2.1 and 6.11.2.1, changing *March* to *May*. Ms. Madden pointed out that *1st* should also be changed to *31st*.

Ms. Reardon also reviewed the following amendments to Rule 6.0:

- Amend Rules 6.5.1.1 and 6.9.4.1.2 by adding, *including PACE (Program Approval for Continuing Education)*
- Insert Rule 6.5.1.4, *Academy of General Dentistry (AGD) its constituents and components including CERP (Continuing Education Recognition Program)*, and renumber Rules 6.5.1.4 through 6.5.1.8 accordingly

Ms. Reardon noted that there was currently a problem with the Board's Rules and Regulations on the State website. Ms. Reardon has contacted the Registrar regarding the issue. (Mr. Gibbs entered the meeting.) Ms. Reardon advised that the Board will not hold a public hearing until after the online version of Rules and Regulations are corrected. Dr. McAneny made a motion, seconded by Ms. Calicott-Trawick, to accept all changes as amended. The motion passed by a majority vote, with Mr. Gibbs abstaining.

Requests of CE Exceptions

Lisa Applegate – Medical Exemption – Update from Ms. Howard

Dr. Cynthia Minsk – Medical Exception – Update from Ms. Howard

Ms. Howard reported that letters were mailed to both Lisa Applegate and Dr. Cynthia Minsk after the March Board meeting requesting additional information to support their requests. To date, no response has been received from either of the licensees.

Continued Discussion Regarding AGD Transcripts – Dr. Jeffrey Emmi

The Board recognized Dr. Jeffrey Emmi, President of Delaware AGD. Dr. Emmi distributed copies of a sample AGD transcript for the Board's review. Dr. Emmi read aloud his written argument requesting that the Board overturn its previous decision not to accept AGD transcripts in lieu of certificates of completion. Dr. McAneny stated that the Board objected to the technical errors on the AGD transcript that it previously reviewed, such as the number of online CE hours accepted. Ms. Howard read aloud the Board's decisions of September 2011 as stated in its correspondence to Teresa Peavy of AGD. Dr. Jones stated that he had reviewed his own transcript on AGD's website, and provided a printed copy

of a webpage he downloaded from the site. Dr. Jones showed the printed page to Dr. Emmi and asked if every course for every licensee could be printed as the same document, which was closer to the form of a certificate of completion than a transcript. After further discussion between the Board, Ms. Reardon and Dr. Emmi, the Board requested that the statement, *You meet all State requirements!*, be removed from the transcript or be replaced by a disclaimer acceptable to the Board. Dr. Lenz recommended that identifying information about the licensee be added to each page. After further discussion, Dr. Lenz made a motion, seconded by Ms. Calicott-Trawick, to accept the AGD transcripts in lieu AGD certificates of completion contingent upon receipt of an acceptable draft transcript including a disclaimer and identifying licensee information on each page. The motion passed unanimously.

NEW BUSINESS

Ratification of Licenses/Permits Issued by DPR Since Last Board Meeting

Dental Hygienist

Molli A. Geppert

Patricia M. Bulkley

Rochelle Marie Clark

Tami Louise Furr

Dr. McAneny made a motion, seconded by Dr. Lenz, to ratify the dental hygienist licensure of Molli A. Geppert, Patricia M. Bulkley, Rochelle Marie Clark, and Tami Louise Furr. The motion passed unanimously.

Restricted Permit II

Alvis D. Burris

Dr. McAneny made a motion, seconded by Dr. Lenz, to ratify the Restricted Permit II of Alvis D. Burris. The motion passed unanimously.

Review of Applications for Licensure - None

Review of Correspondence / Proposal from American Academy of Facial Esthetics

The Board reviewed an invitation to attend training sessions regarding the administration of botox for cosmetic dental procedures. Ms. Reardon reviewed correspondence previously sent to various doctors who have inquired about administering botox in Delaware. The Board neither endorses nor prohibits dentists from administering botox. Dr. Jones stated that he recently attended a course that discussed cosmetic dental procedures, including botox, and he believes this will become more of an issue for the Board to address in the near future. Ms. Reardon noted that the statutory reference cited in previous correspondence from the Board needs to be updated for future correspondence, from 1101(8) to 1101(11). Dr. Director stated that section 1108(2) may also apply. The Board agreed to decline the offer to attend training sessions provided by the American Academy of Facial Esthetics.

Review of Request to Approve ProCPR Curriculum Offered by ProTrainings, LLC

After discussion, the Board agreed to further amend Rules 6.0 and 6.9 by adding *Any organization approved by ADA, ADHA, AGD, ADAA, its constituents and components, including PACE and CERP*. Dr. Director made a motion, seconded by Ms. Madden, to amend the previous motion to include these changes for Rule 6.0. Ms. Reardon will present draft language for the Board's review at its next meeting. Ms. Howard will respond to ProTrainings, LLC, notifying them that although the Board will not list them individually in its Rules and Regulations, it will amend its Rules and Regulations to include CPR courses approved by AGD PACE.

Review of Request for Clarification from Gabrielle Hilliard (DMMA Dental Administrator) Regarding Anesthesia

After discussion, the Board agreed to forward the request to Dr. Petrunich on the Board's Anesthesia Advisory Committee and ask him to respond. Dr. Petrunich's response must be reviewed and approved by Dr. Jones prior to mailing.

COMPLAINT STATUS

Complaint 09-22-10 (Jones)
Complaint 09-01-11 (Jones)
Complaint 09-02-11 (Jones)
Complaint 09-03-11 (Jones)
Complaint 09-04-11 (Jones)
Complaint 09-05-11 (Jones)
Complaint 09-06-11 (Jones)
Complaint 09-07-11 (Jones)

Dr. Jones reported that Complaint 09-22-10 has been forwarded to the Attorney General's office, and the remaining complaints listed above have all been closed by an Investigator.

CORRESPONDENCE - None

OTHER BUSINESS BEFORE THE BOARD (for discussion only)

Dr. Jones reminded the examiners to arrive at 2:00 p.m. on May 31st, with a calculator, in order to verify the exam scores of fellow examiners. Dr. Jones asked the public members for their assistance during the May 2012 exams. Dr. Jones will coordinate with the public members to determine their availability.

Ms. Howard asked the Board to revisit its discussion regarding an expiration term for exam scores. Ms. Howard reported that the Board office was recently contacted by an applicant who passed the clinical exams in 2002, but was never licensed. Based on the current statute, the applicant qualifies for licensure, even if she has never practiced. Specific to this particular applicant, Ms. Reardon will review 24 Del.C. § 1126(d) and report back to the Board with a legal opinion at its May 31st meeting.

Dr. Lenz stated that he has received calls from dentists concerning HB-47 and HB-141 regarding the duty of health professionals (including dentists) to report neglect of care. Dr. Lenz questioned the definition of *neglect*. Ms. Reardon will review Title 16 and discuss further with the Board at its May 31st meeting.

PUBLIC COMMENT - None

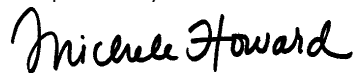
NEXT MEETING

The next Board meeting will be **Thursday, May 31, 2012 at 3:00 p.m.** at the Division of Professional Regulation, 861 Silver Lake Boulevard, Second-Floor Conference Room A, Dover, DE

ADJOURNMENT

There being no further business to discuss, Dr. Director made a motion, seconded by Dr. Jones, to adjourn the meeting at 11:46 a.m. The motion to adjourn passed unanimously.

Respectfully Submitted,



Michele Howard
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.